

Serial No. 09/661,273

- 2 -

Art Unit: 2155

Rejection under 35 U.S.C. §103 is improper for failure to cite motivation

It is well known that to establish a *prima facie* case of obviousness, there first must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. (M.P.E.P. §2142). The Examiner has not satisfied the requirements of the rejection, and thus the rejection of claims under 35 U.S.C. §103 is improper and should be withdrawn.

On page 3 of the specification, the Examiner states that "Garrity implicitly discloses the operation center ... receives distributed information from content providers ... and the OC ... subsequent receive a request from content consumer for broadcast/multicast distributed information. The OC or server ... authenticates the content consumer based on the profile that is provided by the content server and is stored in database 414 equivalent to the process of the access device receives the subsequent request by the host device to join the multicast group based upon access control information as disclosed in the applicants specification . A person of ordinary skill in the art would have recognized that Garrity performs the same function in substantially the same way to reach substantially the same result..."

Applicant's submit that the motivation of 'it is the same' is not a proper motivation for modifying the references as suggested by the Examiner. Applicants further submit that the Examiner is not giving patentable weight to the language and structure of the claims.

For at least the reason that the Examiner has failed to put forth a proper motivation to support a rejection under §103, the rejection is improper and should be withdrawn.

Garrity fails to disclose or suggest every limitation of the claim

Serial No. 09/661,273

- 3 -

Art Unit: 2155

To establish a *prima facie* case of obviousness, the combination of references must show or suggest every limitation in the claims.

Garrity

Garrity describes a method and apparatus for managing delivery of data, also referred to as content, by a data processing system in a communications system in which a number of content providers and content consumers are located within the communications system. The data processing system receives a request to accept delivery of content at the data processing system, wherein the request originates from a requesting content provider. A determination is made as to when the content may be received from the requesting content provider, and when the content may be transmitted to content consumers based on contents already scheduled to be delivered from the number of content providers. Delivery of the content from the requesting content provider is accepted based on a determination of when content may be received and when content may be transmitted. (Garrity, Abstract).

Thus, Garrity describes, in general, a system for pushing content from a content provider to a user. In contrast, the claimed invention is directed at 'determining ... whether the host device is authorized to join the television channel multicast group based upon the access control information distributed from the distribution device...'

Thus, the present invention is directed at a method of forwarding access control information from a distribution device to access control devices in a network. As mentioned in the specification, "by distributing the access control information in advance and performing receiver access control at the access points of the internet television system, an embodiment of

Serial No. 09/661,273

- 4 -

Art Unit: 2155

the present invention provides the access control and quick channel changing capabilities that are desirable..." (Applicants' specification, page 5, lines 22-25).

With regard to authentication, Garrity describes, at column 7, lines 12-15 "... *Authorized content consumers are verified by user server 400 who queries to customer account profiles database 424.* Authorized content consumers are registered for content, which is advertised..."

Thus, as illustrated in Figure 2 of Garrity, all authentication is performed at one central location. Such an architecture is distinctly different than that described in the independent claims.

The Examiner states, at page 3 of the office action "It would have been obvious to one of ordinary skill in the data processing art at the time of the invention was made that Garrity implicitly discloses the operation center (136) (figures 1-2, 4) receives distributed information from content providers (102, 104, 106) and the OC (136) subsequent receive a request from content consumer for broadcast/multicast distributed information. The OC or server (136) (figures 1-2, 4) authenticates the content consumer based on the profile *that is provided by the content provider* to server and is stored in database (414) ..."

Applicants submit that the Examiner is reading more into Garrity than what is disclosed. Garrity fails to describe how the consumer profile is created in the database. However, the only valid reading of Garrity can be done on its face. Thus, Garrity only shows connections to the database from the server. Accordingly, it can only be inferred that the profile is stored in the database by the server. The only teaching of distribution of profiles is found in the Applicant's *own* specification.

In fact, Garrity clearly states "... server 400 provides content consumers, user client 416 and user client 418 access to content provided by client PCs establishing communications links to server 400..." "Authorized content consumers are verified by user server 400 who queries to

Serial No. 09/661,273

- 5 -

Art Unit: 2155

customer account profiled database 424..." In Figure 4, the customer account profile 424 is shown as part of a database coupled to the server 400. Thus, any association between the content and data appears, in Garrity, to be controlled by the server 400. Stating that the profile information is provided by the content provider is reading more into Garrity than what is disclosed.

Accordingly, for at least the reason that Garrity fails to describe or suggest every limitation in the claims, the independent claims of the present invention are patentably distinct and the rejections should be withdrawn.

Independent Claim 1 recites "... *distributing access control information from a distribution device to an access device* for use by the access device in authenticating a subsequent request by a host device to join a television channel multicast group ..." Independent claim 15 recites "...maintenance logic operably coupled to maintain access control information; and *distribution logic operably coupled to distribute the access control information to at least one access device* using a predetermined push mechanism ..." Independent claim 25 recites "...maintenance logic programmed to maintain access control information; and distribution logic programmed to distribute the access control information to at least one access device using a predetermined push mechanism...." Independent claim 35 recites "...distribution logic operably coupled to receive access control information from a distribution device using a predetermined push mechanism ..." Claim 45 recites "...distribution logic programmed to receive access control information from a distribution device using a predetermined push mechanism ..." Claim 55 recites "...wherein the distribution device uses a predetermined push mechanism to distribute access control information to the at least one access device, and wherein the at least

Serial No. 09/661,273

- 6 -

Art Unit: 2155

one access device uses the access control information to control access to at least one television channel multicast group...”

Accordingly, each independent claim includes a limitation which, as described above, is neither shown nor suggested by the teachings of Garrity. Accordingly, for at least this reason, it is respectfully requested that the rejections under 35 U.S.C. §103 be withdrawn. Dependent claims 2-14, 16-24, 26-34, 36-44 and 46-54 serve to add further patentable subject matter to their parent independent claims, but are allowable for at least the reasons put forth above with regard to their parent claims.

Claims 5-7, 9, 18-20, 22, 28-30, 32, 38-40, 42, 48-50 and 52

Claims 5-7, 9, 18-20, 22, 28-30, 32, 38-40, 42, 48-50 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable under Garrity in view of Dobbins U.S. Publication No. US 2002/0066033.

Dobbins describes a system for managing content resources. The Abstract states “... A request is received from a user for access to a source of content resources. It is determined that the user is authorized for access to the source....” Dobbins further states, at page 2, paragraph 15 “The network provider acts as an intermediary between a content provider and a subscriber, such that the network provider has primary responsibility for many aspects of content management...” Thus Dobbins fails to describe the structure shown and suggested in the claims, and thus also fails to overcome the inadequacies of Garrity. For at least the reason that the combination of references fails to teach of suggest every limitation in the claims, the rejection over this combination is requested to be withdrawn.

Serial No. 09/661,273

- 7 -

Art Unit: 2155

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Lindsay G. McGuinness, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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